

11 CIV. 8705

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

ISRAEL PERL; pro se,
Plaintiff,

Case No. _____

-v-

JURY TRIAL DEMANDED

WEBBANK/DFS;
Defendant,

COMPLAINT

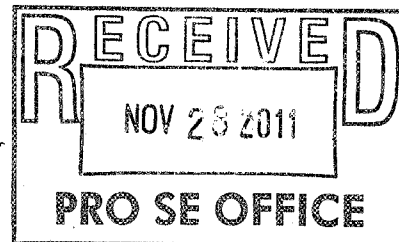
Plaintiff, ISRAEL PERL, individually, and pro se, hereby sues Defendant
WEBBANK/DFS, and alleges:

PRELIMINARY STATEMENT

1. This is an action for damages and injunctive relief brought by Plaintiff against
Defendant from violations of the Fair Credit Reporting Act ("FCRA") 15 U.S.C. §1681 *et seq.*

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C. §1681p (FCRA).
3. Venue is proper pursuant to 28 U.S.C. §1391(b). Venue in this District is proper in
that the Plaintiff resides here, the Defendants transact business here, and the conduct complained
of occurred here.



PARTIES

4. Plaintiff, is a natural person who resides in the State of New York and is a consumer as defined by the 15 U.S.C. §1681 (FCRA).

5. Upon information and belief Defendant WEBBANK/DFS, at all times relevant hereto, is and was a Corporation engaged in the business of collecting debt with a principal office located at 12234 N IH 35 SB B, Austin, TX 78753. Defendant uses the U.S. Postal Service mail to conduct business, and is authorized to do business in New York.

6. All conditions precedent to the bringing of this action have been performed, waived or excused.

FACTUAL ALLEGATIONS

7. Plaintiff alleges and incorporates the information in paragraphs 1 through 6.

8. On or about December 4, 2009, Defendant initiated a "hard pull" of Plaintiff's credit report from Experian without permissible purpose, thereby reducing his credit score.

COUNT I

VIOLATION OF FAIR CREDIT REPORTING ACT (FCRA), 15 U.S.C. §1681

WILLFUL NON-COMPLIANCE BY DEFENDANT WEBBANK/DFS

9. Plaintiff alleges and incorporates the information in paragraphs 1 through 8.

10. Plaintiff is a consumer within the meaning of the FCRA, 15 U.S.C. §1681a(c).

11. Defendant is a furnisher of information within the meaning of the FCRA, 15 U.S.C. §1681s-2.

12. Defendant willfully violated the FCRA. Defendant's violations include, but are not limited to, the following:

(a) Defendant willfully violated 15 U.S.C. §1681b(f) by obtaining Plaintiff's consumer report without a permissible purpose as defined by 15 U.S.C. §1681b.

WHEREFORE, Plaintiff demands judgment for damages against Defendant WEBBANK/DFS for statutory damages, and punitive damages, fees and costs, pursuant to 15 U.S.C. §1681n.

COUNT II

VIOLATION OF FAIR CREDIT REPORTING ACT (FCRA), 15 U.S.C. §1681

NEGLIGENT NON-COMPLIANCE BY DEFENDANT WEBBANK/DFS

13. Plaintiff alleges and incorporates the information in paragraphs 1 through 12.

14. Plaintiff is a consumer within the meaning of the FCRA, 15 U.S.C. §1681a(c).

15. Defendant is a furnisher of information within the meaning of the FCRA, 15 U.S.C. §1681s-2.

16. Defendant negligently violated the FCRA. Defendant's violations include, but are not limited to, the following:

(a) Defendant negligently violated 15 U.S.C. §1681b(f) by obtaining Plaintiff's consumer report without a permissible purpose as defined by 15 U.S.C. §1681b.

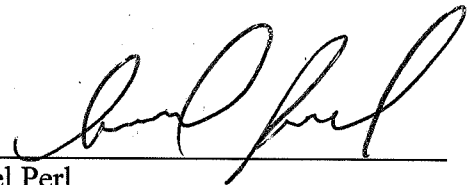
WHEREFORE, Plaintiff demands judgment for damages against Defendant WEBBANK/DFS for statutory damages, and punitive damages, fees and costs, pursuant to 15 U.S.C. §1681o.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of all issues so triable as a matter of law.

Dated: November 16, 2011

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Israel Perl', is written over a horizontal line.

Israel Perl
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